



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 7879-98
5 October 1999



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 N130C3/168-99 of 16 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
7220
N130C3/168-99
16 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS


Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

Ref: (a) MILPERSMAN
(b) Title 37, USC, Section 702
(c) DODI 1327.5

Encl: (1) BCNR Case File #07879-98 w/Microfiche Service Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting reinstatement of 55 days leave that were charged to his leave account during the periods of 1 OCT 97 and 1 MAY 98.
3. Enclosure (1) indicates that the petitioner was forced to take a total of 55 days leave (from 1 OCT 97 to 1 MAY 98) in anticipation of an involuntary retirement that was subsequently canceled by BCNR on 1 MAY 98.
4. IAW reference (b), leave may be taken on a calendar-day basis as absence from duty with pay. Since the member was absent from duty, that period of time must be charged as leave. N130C does not recommend approval of the petitioner's request for reinstatement of 55 days leave back into his leave account.


H. P. Watson
Assistant Head, Pay and
Allowances Section (N130C)